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Approved For Release 2003/11/06 : CIA-RDP59-00882R000300090002-5

16 November 1954

\*OGC Has Reviewed\*

MEMORANDUM FOR: Assistant Director for Personnel

SUBJECT : Advance Sick Leave - [REDACTED]

25X1A9A

REFERENCE : Memorandum from Acting Chief, Finance Division,  
dated 26 October 1954, same subject

1. The reference recommends that the subject individual's application for 76 hours of advance sick leave be denied. For the reasons stated hereafter, we concur in that recommendation.

2. The facts submitted indicate that [REDACTED], an Agency employee, was incapacitated by illness for the period 19 April through 6 May 1954, a total of 112 hours; that at the time she had accumulated 36 hours of sick and 36 hours of annual leave, leaving a balance of 40 hours to be charged LWOP; and that one week after her return to duty and on 13 May, she was [REDACTED] with which organization she is presently serving. It is now requested that the Agency retroactively grant 76 hours of advance sick leave--and thus avoid 40 hours LWOP, while at the same time preserving the 36 hours of accumulated annual leave.

3. Under the authority prescribed in Section 204(c) of the Annual and Sick Leave Act of 1951 (5 U.S.C.A. 2063(c)), and as prescribed in Agency Regulation 20-645, 4f, advance sick leave--not to exceed 30 days--may be granted in cases of serious disability or ailments and when required by the exigencies of the situation. In construing a similar authority, then contained in Section 3 of the Sick Leave Act of 1936 (49 Stat. 1162), the Comptroller General indicated that the purpose of the clause "when required by the exigencies of the situation" was to prescribe the circumstances under which sick leave may be advanced to employees in cases of serious disability or ailments (23 Comp. Gen. 789, 792). Thus, it would appear that serious illness alone is not the sole reason for granting advance sick leave but that in addition, the case must be coupled with an exigent situation. However, since the retroactive nature of [REDACTED] request indicates conclusively that this latter factor is not involved here, it is our view that even if it was otherwise possible to comply with her request, despite her current status as [REDACTED] advance of sick leave may not be authorized under the circumstances presented.

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[REDACTED]  
Office of General Counsel

Attachments

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